

## Interview Summary

Application No.

08/646,213

Applicant(s)

Afanasenko et al.

Examiner

Jeanne Clark

Group Art Unit

3302

All participants (applicant, applicant's representative, PTO personnel):

(1) Jeanne Clark

(3) \_\_\_\_\_

(2) Mr. Edward Freedman

(4) \_\_\_\_\_

Date of Interview Jun 11, 1997Type: ☐ Telephonic ☒ Personal (copy is given to ☐ applicant ☒ applicant's representative).Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:Agreement ☐ was reached. ☒ was not reached.Claim(s) discussed: new claims 11-13 filed in an amendment dated 5/20/97 (see attachment)

Identification of prior art discussed:

Wilkinson and Romney

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Mr. Freedman present new claims that were filed 5/20/97. He explained the invention and emphasized the medical benefits of the invention. Mr. Freedman questioned the examiner whether the recently filed claims are allowable. Upon brief inspection, the examiner did not feel that the claims structurally distinguish the invention over the prior art.

The examiner explained that using a "known" device in the prior art in a different manner or to solve a different problem does not make the "apparatus" patentable. The examiner suggested that applicant may want to consider method claims in another application if the "invention" lies in a new application of a known device. The examiner felt that the elastic exercise art is very crowded and it would be very challenging to cite structure that is patentably different from the prior art. The examiner also suggested that the exhibits filed 9/18/96 be signed and dated in order to qualify as evidence


(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.

  
**JEANNE M. CLARK**  
**PATENT EXAMINER**  
**GROUP 3302**